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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/084,002	02/27/2002	Alin D'Silva	01-1013	5764

32127 7590 01/26/2005

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EXAMINER

AL AUBAIDI, RASHA S

ART UNIT PAPER NUMBER

2642

DATE MAILED: 01/26/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

10/084,002

**Applicant(s)**

D'SILVA ET AL.

**Examiner**

Rasha S AL-Aubaidi

**Art Unit**

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 27 February 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 February 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-4, 8-11, 15-18, 22-23, and 27 are rejected under 35 U.S.C. 102(e) as being anticipated by Frey et al (US PAT # 6,535,596).

Regarding claim 1, Frey teaches a method for processing a call connection (see col. 3, lines 10-12) between a calling party (105, Fig. 1) and a called party (110, Fig. 1), comprising: making at least one analysis request (this reads on the calling party 105, sending the request, see col. 7, lines 66-67 and col. 8, lines 1-2); receiving a request for the call connection from the calling party to the called party (the cal request will be received at the behavior module 130, see col. 8, lines 1-2), the call connection being associated with at least one analysis request (the request reads on any of the subscriber's preferences or services requested by the subscriber, see col. 4, lines 7-18); recording dial stream information derived from the call connection (the recording feature is inherent); and analyzing the recorded dial stream information to generate a result for the at least one analysis request (see col. 6, lines 43-50).

Claims 8, 15, 22 and 27 are rejected for the same reasons as discussed above with respect to claim 1. Claim 27 recites "information sufficient to identify a device associated with a called party". This may simply read on the module behavior 130 providing customized messages based on the communication capabilities such as, voice, data or video (see col. 13, lines 16-22).

Regarding claims 2, 9 and 16, Frey teaches at least one analysis request is associated with at least one product or service (see col. 4, lines 12-18).

Regarding claims 3, 10 and 17, Frey teaches the result for the analysis request determines the level of interest in the at least one product or service (this basically reads on providing the subscriber with the service or the preference that he/she desired, such as the language or the dialing preference (using keypad or speaking), see col. 5, lines 17-20).

Regarding claims 4, 11, 18 and 23, Frey teaches determining a response to the request for the call connection (this basically reads on providing the caller the specific request or service required, see for example, col. 9, lines 42-56); and recording the response to the request for the call connection (this is inherent). For claim 23, the claimed processor reads on the call behavior 130 (see col. 5, lines 2-40).

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 5-7, 12-14, 19-21, and 24-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Frey.

Regarding claims 5-6, 12-13, and 24-25, Frey does not specifically teach requesting permission to provide the recorded dial stream information to a recipient.

However, Frey teaches for example, a group profiles may identify the same services and preferences, but if individual subscribers are offered a choice of option within the group profile, then profile information must be checked to determine the option to be used for that particular subscriber (see col. 10, lines 57-67 and col. 11, lines 1-14). Thus, performing the step of checking and determining what type of service will be provided to a particular subscriber in Frey is analogous to the claimed permission to provide the requested information to a recipient.

While the claimed "permission" is not explicitly taught by the reference, the "checking and determining" step taught by the reference will have the same end result. Therefore, it would have been obvious to one of ordinary skill in the art at the time the

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invention was made to have the "checking and determining" limitation, which is equivalent to "permission" limitation.

Regarding claims 7, 14, 21 and 26, Frey teaches billing the recipient for the result (see col. 8, lines 10-42).

### ***Conclusion***

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Sawyer (US PAT # 6,351,279) teaches a database of subscribers advertising preferences stores advertising preferences for subscribers in the network and provides the selected advertisements to subscribers utilizing a display screen.

Ram et al (US PAT # 6,625,258) teaches system and method for providing call services, which includes receipt services, initiation services, conference call services and other type of services.

McAllister (US PAT # 6,317,484) teaches personal telephone service is used to identify the user of a subscriber line that is configured with a personal profile.

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Benson (US PAT # 6,470,079) teaches a switch for connecting calls placed by a caller in response to an advertising campaign (see abstract).

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rasha S AL-Aubaidi whose telephone number is (703) 605-5145. The examiner can normally be reached on Monday-Friday from 8:30 am to 5:30 pm.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad F. Matar, can be reached on 305-4731. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Examiner

Rasha S. Al-Aubaidi

01/18/2005

  
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